THE STATE OF NEW HAMPSHIRE
Merrimack County Superior Court
163 N. Main Street
P. O. Box 2880
Concord, NH 03301 2880
603 225-5501

ORDER OF NOTICE

> RECEIVED
>
> FEB 2 3 2004
>
> LAW DEPARTMENT

Linda Mussey v. Sun Life Assurance Co. of Canada
Administrator Estate of Edward Mussey   a/k/a Life Insurance Co. of N. America

NO. 04-E-0054   RETURN DAY: 04/06/2004

You have been sued and named as a party in a case filed with the
Merrimack County Superior Court. Attached is a copy of the pleading
which began this case.

Linda Mussey, Administrator Estate of Edward Mussey shall notify
each Defendant of the above action by serving the defendant(s) by
March 22, 2004 with a copy of the pleading initiating the case,
orders that the Court has already issued, and this Order in a manner
allowed by law. Plaintiff shall file with the Clerk verification of
the service process by April 06, 2004.

**IMPORTANT NOTICE TO Sun Life Assurance Co. of Canada, a/k/a Life
Insurance Co. of N. America:**
You must file a written appearance form with the Clerk on or before
April 06, 2004. You must also file by May 06, 2004 a plea, answer
or demurrer. Send a copy of the appearance form and any other
documents filed with the court to the attorney for the party filing
the pleading or to the party if there is no attorney. The name and
address of the attorney or the party filing the pleading is
contained in the pleading. If you do not comply with these
requirements you will be considered in default, you will not have an
opportunity to dispute the claim(s) and the court may issue orders
in this matter which may affect you without your input.

                              BY ORDER OF THE SUPERIOR COURT

02/12/2004
                              William McGraw
                              Clerk of Court

NOTICE

Pursuant to Laws 2002, Chapter 264 and Supreme Court Order of June 10, 2002 each party to any noncriminal case filed on or after July 1, 2002 in Merrimack County Superior Court may request that one Justice or, in Domestic Relations cases, one Marital Master, not be assigned to the case. Any such request must be submitted in writing and signed by the party or the party's attorney. The request must be filed with the court no later than 30 days after the return date or 3 business days before the first hearing, whichever occurs first.

The following Justices and Marital Masters are currently assigned to Merrimack County Superior Court:

Associate Justice Kathleen A. McGuire
~~Associate Justice Eduard J. Fitzgerald, III~~
Associate Justice Timothy J. Vaughan
Associate Justice Steven M. Houran
Marital Master Deborah K. Rein
Marital Master Michael H. Garner

Other Justices who are routinely assigned from time to time include:

Retired Senior Justice George L. Manias
Chief Justice Walter L. Murphy

Nothing herein should be construed as limiting the assignment of other Superior Court Justices and Marital Masters as circumstances warrant. A complete list of Justices and Masters can be obtained from ther office of the Clerk of Court.

William S. McGraw, Clerk of Court

March 28, 2003

The State of New Hampshire

MERRIMACK, SS   SUPERIOR COURT

LINDA MUSSEY, ADMINISTRATOR OF THE ESTATE OF EDWARD MUSSEY

v.

SUN LIFE ASSURANCE COMPANY OF CANADA, A/K/A LIFE INSURANCE COMPANY OF NORTH AMERICA

PETITION FOR DECLARATORY JUDGMENT

NOW COMES Linda Mussey, Individually and as Administrator of the Estate of Edward Mussey of PO Box 6136, Franklin, New Hampshire, 03235 and petitions this Honorable Court to enter a declaratory judgment against Sun Life Assurance Company of Canada, a/k/a Life Insurance Company of North America of One Sun Life Executive Park, Wellesley Hills, Massachusetts, 02481-5699 and in support thereof states as follows:

1. This is a declaratory judgment action in accordance with New Hampshire RSA 491:22 to determine the legal relationship between the parties.

2. The plaintiff represents her individual interests as a potential beneficiary, as well as the interests as Administrator of the Estate of her late spouse, Edward Mussey, who died on 04/30/1 (See Enclosure 1).

3. The defendant issued a voluntary Accidental Death and Disability Policy to the plaintiff through his employment with Watts Regulator/Webster Valve which included a $100,000.00 death benefit should the insured die by accidental injury (See Enclosure 2).

4. The late Edward Mussey paid the entirety of the premiums on said policy until his death on 04/30/01.

5. The defendant's policy includes a provision under its policy entitled:

> Legal Actions: no action at law or in equity shall be brought to recover on this policy prior to the expiration of sixty days after written proof of loss has been furnished in accordance with the requirements of this policy. No such action shall be brought after the expiration of three years (or the minimum time, of more than three years, permitted by law in the State where the insured resides) after the time written proof of loss is required to be furnished. (See Enclosure 2, page 32)

6. The "written proof of loss" was sent on 11/01/01 triggering the above limitation periods (See Enclosure 3).

7. The defendant declined payment under the policy on 12/03/02 (See Enclosure 4) to which the plaintiff
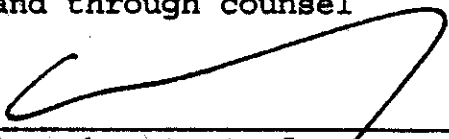
requested an extension that was never acknowledged (See Enclosure 5).

8. The plaintiff's instant action is with the parameters of defendant's contractual limitations period (See Enclosure 2, page 32).

9. As the plaintiff died by accidental means, the plaintiff is entitled to benefits wrongfully withheld by the defendant.

WHEREFORE, the petition respectfully requests that this Honorable Court:

a. Enter a declaratory judgment in this matter stating that the petitioner is entitled to coverage benefits up to the policy limits;

b. Order the respondent to pay the petitioner's cost and reasonable legal fees in pursing this matter; and

c. Grant such other and further relief as this Honorable Court deems to be just and appropriate.

Respectfully submitted,
Linda Mussey
By and through counsel

Christopher J. Seufert, Esquire
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Franklin, New Hampshire   03235
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